

CHAPTER 54-05-03.1

ADVANCED PRACTICE REGISTERED NURSE

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54-05-03.1-01. Statement of intent. The 1977 legislative assembly enacted legislation that recognized the performance of additional acts to be performed by registered nurses practicing in expanded roles and gave the board of nursing the power to set standards for nurses practicing in specialized roles. From 1980 to 1991, the board licensed advanced practitioners in nursing as nurse clinicians, nurse practitioners, clinical nurse specialists, certified nurse midwives, and certified registered nurse anesthetists. The 1991 legislative assembly added prescriptive practices to the acts an advanced practice registered nurse may perform, if qualified. The 1995 legislative assembly further defined the educational requirements for the advanced practice registered nurse.

The scope of practice for a registered nurse with advanced licensure is based upon an understanding that a broad range of health care services can be appropriately and competently provided by a registered nurse with validated knowledge, skills, and abilities in specific practice areas. The health care needs of citizens in North Dakota require that nurses in advanced practice roles provide care to the fullest extent of their scope of practice. The advanced practice registered nurse retains the responsibility and accountability for that scope of practice and is ultimately accountable to the patient within the Nurse Practices Act.

The advanced practice registered nurse is responsible and accountable to practice according to the standards of practice prescribed by the board and the profession. The purpose of the standards is:

1. To establish practice parameters for safe nursing practice.
2. To serve as a guide for the board to regulate the practice of the advanced practice registered nurse.

History: Effective March 1, 1992; amended effective November 1, 1996; April 1, 2004.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-02(1)(7)

54-05-03.1-02. Board authority - Title - Abbreviation. The board shall authorize advanced nursing practice to a registered nurse who has submitted evidence of advanced knowledge, skills, and abilities in a defined area of nursing practice. Since 1991 individuals have been licensed as advanced practice registered nurses in the categories of certified nurse midwife, certified registered nurse anesthetist, clinical nurse specialist, or nurse practitioner. Each advanced practice registered nurse shall use the applicable category designation for purposes of identification and documentation. The title to be used must be submitted to the board for approval prior to usage. No person may use an advanced practice registered nurse title without the express authority of the board of nursing to do so.

History: Effective March 1, 1992; amended effective November 1, 1996.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-08(1)

54-05-03.1-03. Definitions. Repealed effective April 1, 2004.

54-05-03.1-03.1. Standards of practice for the advanced practice registered nurse. The standards of practice for the registered nurse found in chapter 54-05-02 are the core standards of practice for all categories of advanced practice registered nurses. The advanced practice registered nurse has evolved into the roles of clinical nurse specialist, nurse anesthetist, nurse midwife, and nurse practitioner.

The advanced practice registered nurse functions in any setting as a member of the interdisciplinary team and provides care to the fullest extent of the scope of practice which includes:

1. Complete the assessment of the health status and health needs based on interpretation of health-related data and preventive health practices;
2. Analyze multiple sources of data, identify alternative possibilities as to the nature of a health care problem and select appropriate treatment;

3. Coordinate human and material resources for the provision of care;
4. Maintain accountability and responsibility for the quality of nursing care provided; and
5. Collaborate with the interdisciplinary team.

History: Effective November 1, 1996; amended effective April 1, 2004; March 24, 2004.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-08(1)

54-05-03.1-03.2. Scope of practice as an advanced practice registered nurse.

1. Practice as an advanced practice registered nurse may include:
 - a. Perform a comprehensive assessment of clients and synthesize and analyze data within a nursing framework;
 - b. Identify, develop, plan, and maintain evidence-based, client-centered nursing care;
 - c. Prescribe a therapeutic regimen of health care, including diagnosing, prescribing, administering, and dispensing legend drugs and controlled substances;
 - d. Evaluate prescribed health care regimen;
 - e. Participate in nursing care management according to chapter 54-05-04 relating to standards for assignment and delegation;
 - f. Promote a safe and therapeutic environment;
 - g. Provide health teaching and counseling to promote, attain, and maintain the optimum health level of clients;
 - h. Communicate and collaborate with the interdisciplinary team in the management of health care and the implementation of the total health care regimen;
 - i. Manage and evaluate the clients' physical and psychosocial health-illness status;
 - j. Manage, supervise, and evaluate the practice of nursing;
 - k. Utilize evolving client information management systems;

- l. Integrate quality improvement principles in the delivery and evaluation of client care;
 - m. Teach the theory and practice of nursing;
 - n. Analyze, synthesize, and apply research outcomes in practice; and
 - o. Integrate the principles of research in practice.
- 2. Notwithstanding the above, all services rendered by the licensee shall be commensurate with the academic preparation, knowledge, skills, and abilities of the advanced practice licensed nurse's experience, continuing education, and demonstrated competencies. The nurse must recognize individual limits of knowledge, skills, and abilities and plan for situations beyond the licensee's expertise.

History: Effective April 1, 2004; amended effective March 24, 2004.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-08(1)

54-05-03.1-04. Initial requirements for advanced practice registered nurse licensure. Applicants for advanced practice registered nurse licensure must:

- 1. Possess a current license to practice as a registered nurse in North Dakota;
- 2. Submit evidence of completion of an advanced practice track within the nursing education program accredited by a national accrediting body;
- 3. Submit evidence of current certification by a national nursing certifying body in the specialty appropriate to educational preparation;
- 4. Submit a completed notarized application and pay the fee of one hundred dollars; and
- 5. Submit a scope of practice statement according to established board guidelines for review and approval by the board of nursing.

Applicants who have been issued a registered nurse temporary permit and meet all of the qualifications for advanced licensure may be issued a temporary advanced practice registered nurse license with the same date of expiration. The advanced practice registered nurse license will be issued to coincide with the renewal date of the initial registered nurse license.

Applicants for whom there is no appropriate certifying examination may submit other evidence verifying initial competence as established by the board. Evidence of an equivalent mechanism will not be accepted after January 1, 2005,

and individuals will no longer be licensed without an approved advanced practice registered nurse examination.

History: Effective March 1, 1992; amended effective November 1, 1996; December 1, 1997; June 1, 2001; April 1, 2004.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-09(2)(b)(c)(d)

54-05-03.1-05. Temporary permit. An applicant for advanced licensure who possesses a current registered nurse license, and has submitted a complete application, the required fee, and evidence of meeting all educational requirements, may be issued a temporary advanced practice registered nurse permit for practice in an advanced practice registered nurse category if the applicant:

1. Is applying for licensure under section 54-05-03.1-04;
2. Is completing practice requirements for national nursing certification for the advanced practice registered nurse category;
3. Has applied as a first-time candidate to the next national nursing certification examination for the advanced practice registered nurse category; or
4. Is awaiting certification results based upon initial application.

Temporary permit will not include prescriptive authority. If the applicant fails the first certification examination for which the applicant is eligible, the applicant may continue to practice if supervised by a licensed provider of an appropriately related specialty or practice and the board is notified. If the applicant fails the second certification examination for which the applicant is eligible, the individual may no longer practice in the advanced practice registered nurse role.

History: Effective March 1, 1992; amended effective November 1, 1996.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-09(2)(b)(c)(d)

54-05-03.1-06. Requirements for advanced practice registered nurse licensure renewal. The advanced practice registered nurse license is valid for the same period of time as the applicant's registered nurse license. Applicants for renewal of the advanced practice registered nurse license must have an active registered nurse license and:

1. Complete the advanced practice registered nurse license renewal application;
2. Pay an advanced practice registered nurse licensure renewal fee of forty dollars;

3. Submit evidence of current certification or participate in a competence maintenance program as established by the board; and
4. Submit a scope of practice statement for review and approval by the board.

History: Effective March 1, 1992; amended effective November 1, 1996; June 1, 2001; April 1, 2004.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-10(1)

54-05-03.1-07. Disciplinary action against advanced practice registered nurse license. Repealed effective April 1, 2004.

54-05-03.1-08. Prescriptive authority review committee. Prior to the first regular meeting after July first of each year, the board will request an appointment of a physician who holds a collaborative agreement with an advanced practice registered nurse to the prescriptive authority review committee from the board of medical examiners and the board of pharmacy. The board shall appoint two committee members, at least one of whom must be a registered nurse board member and one must be an advanced practice registered nurse with prescriptive authority, at the July board meeting. The committee will meet at least once each year to review rules for prescriptive authority, oversee the process of granting prescriptive authority, and recommend changes to the board. Reimbursement for the costs associated with attending the meetings will be the responsibility of the respective boards appointing the members.

History: Effective March 1, 1992; amended effective November 1, 1996; June 1, 2001; April 1, 2004.

General Authority: NDCC 43-12.1-18

Law Implemented: NDCC 43-12.1-18

54-05-03.1-09. Requirements for prescriptive authority. Applicants for prescriptive authority shall:

1. Be currently licensed as an advanced practice registered nurse in North Dakota.
2. Submit a complete, notarized prescriptive authority application and pay the fee of fifty dollars.
3. Provide evidence of completion of thirty contact hours of education or equivalent in pharmacotherapy related to the applicant's scope of advanced practice that:
 - a. Have been obtained within a three-year period of time immediately prior to the date of application for prescriptive authority; or
 - b. Other methods that may be approved by the board.

4. Submit an affidavit from the licensed physician who will be participating in the collaborative prescriptive agreement acknowledging the manner of review and approval of the planned prescriptive practices. Information in the affidavit must also indicate that the advanced practice registered nurse's scope of prescriptive practice is appropriately related to the collaborating physician's medical specialty or practice. The affidavit must address all of the following areas:
 - a. Broad classifications of drugs or devices to be commonly prescribed by the advanced practice registered nurse;
 - b. Methods and frequency of the collaboration for prescriptive practices, which must occur as client needs dictate, but no less than once every two months;
 - c. Methods of documentation of the collaboration process regarding prescriptive practices; and
 - d. Alternative arrangements for collaboration regarding prescriptive practices in the temporary or extended absence of the physician.

History: Effective March 1, 1992; amended effective November 1, 1996; December 1, 1997; April 1, 2004; March 24, 2004.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-02(7), 43-12.1-09(2)(c)(d)

54-05-03.1-10. Authority to prescribe.

1. A permanent advanced practice registered nurse license with the addition of prescriptive authority shall be issued following review and approval of the completed application by the board.
2. Between meetings of the board, board staff may review the prescriptive authority application and grant a temporary permit to prescribe if all the requirements are met.
3. The advanced practice registered nurse with prescriptive authority may prescribe drugs as defined by chapter 43-15-01 pursuant to applicable state and federal laws. Notice of the prescriptive authority granted will be forwarded to the board of pharmacy.
4. A prescriptive authority license does not include drug enforcement administration authority for prescribing controlled substances. Each licensee must apply for and receive a drug enforcement administration number before writing prescriptions for scheduled drugs.
5. The licensee may prescribe, administer, sign for, dispense, and procure pharmaceutical samples following state and federal regulations.

6. The signature on documents related to prescriptive practices must clearly indicate that the licensee is an advanced practice registered nurse.
7. The advanced practice registered nurse with prescriptive authority may not prescribe, sell, administer, distribute, or give to oneself or to one's spouse or child any drug legally classified as a controlled substance or recognized as an addictive or dangerous drug.

History: Effective March 1, 1992; amended effective November 1, 1996; April 1, 2004.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-08(1)

54-05-03.1-11. Prescriptive authority renewal. Prescriptive authority is valid for the same period of time as the applicant's advanced practice registered nurse and registered nurse license. The applicant for renewal must:

1. Renew the applicant's registered nurse license.
2. Submit verification of current certification by a national nursing certification body in the specific area of nursing practice.
3. Submit a completed advanced practice registered nurse with prescriptive authority renewal application.
4. Pay the advanced practice registered nurse renewal fee of forty dollars and the fifty dollar renewal fee for prescriptive authority.
5. Provide evidence of completion of fifteen contact hours of education during the previous two years in pharmacotherapy related to the scope of practice. These contact hours may fulfill the registered nurse renewal continuing education requirement. The education or its equivalent as approved by the board may include academic credits, attendance at approved seminars and courses, or participation in approved correspondence or home study continuing education courses.
6. Submit a verification of affidavit from the licensed physician who will be participating in the collaborative prescriptive agreement acknowledging the manner of review and approval of the planned prescriptive practices. Information in the affidavit must also indicate that the advanced practice registered nurse's scope of prescriptive practice is appropriately related to the collaborating physician's medical specialty or practice. The affidavit must address all of the following areas:
 - a. Broad classifications of drugs or devices to be commonly prescribed by the advanced practice registered nurse;

- b. Methods and frequency of the collaboration for prescriptive practices, which must occur as client needs dictate, but no less than once every two months;
- c. Methods of documentation of the collaboration process regarding prescriptive practices; and
- d. Alternative arrangements for collaboration regarding prescriptive practices in the temporary or extended absence of the physician.

History: Effective March 1, 1992; amended effective November 1, 1996; June 1, 2001; April 1, 2004; March 24, 2004.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-10(1)

54-05-03.1-12. Change in physician collaboration regarding prescriptive authority. The advanced practice registered nurse or the collaborating physician may terminate the relationship at any time. The advanced practice registered nurse must notify the board in writing within five working days of the termination. An affidavit of collaboration with another licensed physician must be submitted when there is a change in the licensed physician providing the collaboration. The affidavit and a revised scope of practice statement must be submitted within sixty days of the change in collaboration with a licensed physician.

History: Effective March 1, 1992; amended effective November 1, 1996.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-10(1)

54-05-03.1-13. Suspension or enjoining of prescriptive authority. The prescriptive authority granted to an advanced practice registered nurse may be temporarily suspended or enjoined according to provisions of North Dakota Century Code chapters 28-32 and 32-06, when the advanced practice registered nurse has:

1. Failed to maintain current licensure as an advanced practice registered nurse or failed to meet prescriptive authority requirements;
2. Prescribed outside the scope of practice or for other than therapeutic purposes;
3. Violated any state or federal law or regulation applicable to prescriptions; or

Following final board action notice of suspension or injunctive action regarding prescriptive authority will be forwarded to the board of pharmacy and the collaborating physician.

History: Effective March 1, 1992; amended effective November 1, 1996.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-10(1)

54-05-03.1-14. Encumbered license. Repealed effective April 1, 2004.

54-05-03.1-15. Recognition at effective date. Any registered nurse with an advanced license as a nurse clinician, nurse practitioner, clinical nurse specialist, nurse midwife, or certified registered nurse anesthetist on November 1, 1996, must continue to be recognized as an advanced practice registered nurse, and is eligible for renewal of the advanced practice registered nurse license under the provision of this title. These rules may not be construed to limit or restrict the advanced practice registered nurse's scope of practice statement previously approved by the board.

History: Effective March 1, 1992; amended effective November 1, 1996.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-08